



Dkt. 1919/60390-IA/JPW/AHC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arlindo L. Castelhano, et al.  
Serial No. : 10/718,280 Examiner: A. Pryor  
Filed : November 20, 2003 Art Unit: 1624  
For : COMPOUNDS SPECIFIC TO ADENOSINE A<sub>1</sub> RECEPTOR  
AND USES THEREOF

Notice of  
Allowance issued : October 2, 2008

Confirmation No. : 1457

1185 Avenue of the Americas  
New York, New York 10036  
November 10, 2008

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

COMMUNICATION TO CORRECT ERROR IN FILING RECEIPT

This Communication is submitted after the mailing of a Notice of Allowance in connection with the above-identified application. The issue fee is due January 2, 2009 and has not yet been paid. Accordingly, this Communication is being timely filed.

This Communication is filed to request the issuance of a corrected Filing Receipt for the subject application. Upon receipt of the official Filing Receipt for the subject application, a copy of which is attached hereto as Exhibit A, applicants' undersigned attorney noticed an error.



Applicants : Arlindo L. Castelhano, et al.  
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Filed : November 20, 2003  
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Specifically, the Title of the Invention for the subject application is listed incorrectly.

A corrected Filing Receipt should read as follows:

--TITLE OF INVENTION:

COMPOUNDS SPECIFIC TO ADENOSINE  $[[A_1]]$   $A_1$  RECEPTORS AND USES THEREOF--

Applicants contend that the correct Title of the Invention may be found in the inventors' Declaration and Power of Attorney filed on November 20, 2003. A copy of the inventors' Declaration and Power of Attorney is attached hereto as Exhibit B. Accordingly, applicants request that a corrected Updated Filing Receipt be issued.

If a telephone interview would be of assistance in advancing consideration of this Communication, applicants' undersigned attorney invites the Patent Office to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

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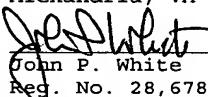
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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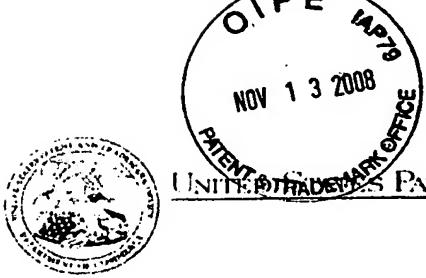


John P. White  
Reg. No. 28,678

November 10, 2008

Date

# EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: 1500 M STREET, NW, SUITE 1450  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPL NO	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/718,280	11/20/2003	1624	942	60390-IA/JPW/GJG/JBC		19	5

John P. White  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

JAN 15 2004

MPL

CONFIRMATION NO. 1457

FILING RECEIPT



\*OC000000011671428\*

Date Mailed: 01/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Arlindo L. Castelhano, New City, NY;  
Bryan McKibben, White Plains, NY;  
David J. Witter, Putman Valley, NY;

**Assignment For Published Patent Application**

OSI Pharmaceuticals, Inc.;

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/000,280 11/30/2001 PAT 6,680,324  
which claims benefit of 60/250,895 12/01/2000

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 01/12/2004

**Projected Publication Date:** 04/22/2004

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Applicants : Arlindo L. Castelhano et al.  
U.S. Serial No. : 10/718,280  
Filed : November 20, 2003

Exhibit A

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

# EXHIBIT B



## DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Compounds Specific to Adenosine A<sub>1</sub> Receptors and Uses Thereof

the specification of which:

(check one)

— is attached hereto.

was filed on November 30, 2001 as

Application Serial No. 10/000,280

and was amended \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
N/A	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____

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U.S. Serial No. : 10/718,280  
Filed : November 20, 2003

*Declaration and Power of Attorney*

*Page 2*

*I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:*

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
60/250,895	December 1, 2000	Pending

*I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:*

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

*And I hereby appoint*

John P. White (Reg. No. 28,768); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Frank Bruno (Reg. No. 46,583); Spencer H. Schneider (Reg. No. 45,923) and Alan D. Morrison (Reg. No. 37,399)

*and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.*

Please address all communications, and direct all telephone calls, regarding this application to:

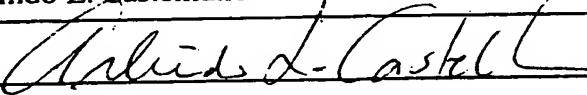
John P. White, Esq.

Reg. No. 28,678

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Arlindo L. Castelhano

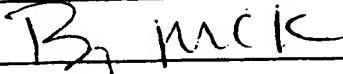
Inventor's signature 

Citizenship Canada Date of signature March 11, 2002

Residence 3 Eagle Court, New City, New York 10579

Post Office Address Same as above

Full name of joint inventor (if any) Bryan McKibben

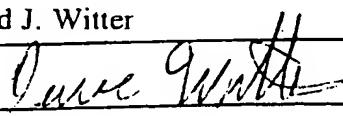
Inventor's signature 

Citizenship U.S.A. Date of signature 2/22/02

Residence 15 Greenridge Avenue, Apt. 8, White Plains, New York 10605

Post Office Address Same as above

Full name of joint inventor (if any) David J. Witter

Inventor's signature 

Citizenship Canada Date of signature 3/11/02

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Post Office Address Same as above